

Notice of Allowability

Application No.

10/823,269

Examiner

Eduardo Colon-Santana

Applicant(s)

KOCHER ET AL.

Art Unit

2837

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to applicant's amendments filed on 7/31/2008.
2. ☒ The allowed claim(s) is/are 1-15.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: ____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date ____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date ____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date ____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date ____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other ____.

/Eduardo Colon-Santana/
Examiner, Art Unit 2837

DETAILED ACTION

1. Applicant's amendment filed on 7/31/2008 has been received and entered in the case.
2. Applicant's amendments and/or arguments with respect to the claims are moot in view of the examiner's amendment below.

EXAMINER'S AMENDMENT

3. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with William J. Clemens on 9/16/2008.

4. The application has been amended as follows:

In the Claims:

Cancel claims 16, 17, and 18.

In claim 1 line 4, delete the word -- the --- "after" from.

In claim 1 line 6, insert -- ,wherein the secondary part extends longitudinally along a first path, and the primary parts are coupled for movement together relative to the secondary part along the first path, wherein the primary parts are selectively movable toward and away from each other along a second path transverse to the first path. --- "after" part.

In claim 10 line 8, insert -- ,wherein the secondary part extends longitudinally along a first path, and including coupling the primary

parts for movement together relative to the secondary part along the first path, and selectively moving the primary parts toward and away from each other along a second path transverse to the first path. --- "after" force.

In claim 12 line 6, insert -- ,wherein the secondary part extends longitudinally along a first path, and the primary parts are coupled for movement together relative to the secondary part along the first path, wherein the primary parts are selectively movable toward and away from each other along a second path transverse to the first path. --- "after" another.

Allowable Subject Matter

5. Claims 1-15 are allowed.
6. The following is an examiner's statement of reasons for allowance:

Claims 1, 10 and 12: The specific limitations as to the primary parts being selectively movable toward and away from each other along a second path transverse to a first path to which a secondary part extends longitudinal was agreed to during the telephone interview with applicant's attorney. During said interview, it was noted that applicants did not clearly specify how or to what extend did the primary parts moves relative to one another and/or towards and away from one another in comparison to the prior art. It was agreed that adding the specific limitation mention above would put the case in condition for allowance, since the prior art does not fairly suggest it alone or in combination.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eduardo Colon-Santana whose telephone number is (571)272-2060. The examiner can normally be reached on Monday thru Friday 7:00am - 4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Walter Benson can be reached on (571) 272-2800 X.37. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval system. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions, contact the Electronic Business Center at 866-217-9197. If you would like assistance, call 800-786-9199 or 571-272-1000.

/Eduardo Colon-Santana/
Patent Examiner, AU 2837

/ECS/
September 16, 2008
/Walter Benson/
Supervisory Patent Examiner, Art Unit 2837